

RECEIVED  
CENTRAL FAX CENTER

OCT. 15. 2004 3:29PM 866 751 0075

OCT 15 2004

NO. 1177 P. 1

**Nixon Peabody LLP**  
Attorneys at Law

Suite 900  
401 9th Street, N.W.  
Washington, D.C. 20004-2128  
(202) 585-8000  
  
Fax: (202) 585-8080

**PRIVILEGE AND CONFIDENTIALITY NOTICE**

The information in this fax is intended for the named recipients only. It contains privileged and confidential matter. If you have received this fax in error, please notify us immediately by a collect telephone call to (202) 585-8000 and return the original to the sender by mail. We will reimburse you for postage. Do not disclose the contents to anyone. Thank you.

**FAX**

**Date:** October 15, 2004

**Pages (including cover):** 1

**To:** **OFFICIAL PATENT  
APPLICATION RELATED  
CORRESPONDENCE**

**Fax:** 703-872-9306

**From:** Raymond Van Dyke, #34,746

**Docket No.:** 031896-52000

**Message:** The following document(s) are being presented for facsimile filing in the United States Patent and Trademark Office:

1. Transmittal and Fee Transmittal
2. NOTICE OF APPEAL (Original plus one copy)
3. Permission to charge Deposit Account No. 19-2380 in the amount of \$340.00, representing Notice of Appeal filing fee -- \$340.00

In re PATENT Application of

Inventor(s): Edward R. LAVALLIE *et al*

Filed: October 15, 1997

Serial No.: 08/949,904

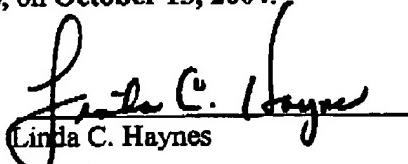
For: HUMAN SDF-5 PROTEIN AND COMPOSITION

**Due Date:** October 16, 2004

**CERTIFICATE OF TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO at 703-872-9306, on October 15, 2004.

Signature:  
Name:

  
Linda C. Haynes

Please type a plus sign (+) inside this box → [+]

PTO/SB-21 (08-00)

Approved for use through 10/31/2003 OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

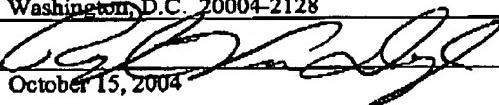
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>		Application Number 08/949,904
		Filing Date October 15, 1997
		First Named Inventor Edward R. LADALLIE
		Group Art Unit 1801
		Examiner Name S. UNGAR
Total Number of Pages in This Submission 1		Attorney Docket Number 031896-52000 (GI5288B)

**ENCLOSURES (check all that apply)**

<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Declaration and Power of Attorney <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input checked="" type="checkbox"/> Other
Remarks		<input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees required or credit any overpayments to Deposit Account No. 19-2380 for the above identified docket number.

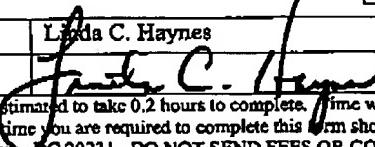
**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	Raymond Van Dyke, Reg. No. 34,746 Nixon Peabody LLP 401 9 <sup>th</sup> Street, N.W. Suite 900 Washington, D.C. 20004-2128
Signature	
Date	October 15, 2004

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO on this date:

October 15, 2004

Type or printed name	Linda C. Haynes
Signature	
Date October 15, 2004	

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

OCT. 15. 2004

866 751 0075

NO. 1177 P. 3

# FEE TRANSMITTAL FOR FY 2004

Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 340)

Complete if Known	
Application Number	08/949,904
Filing Date	October 15, 1997
First Named Inventor	Edward R. LAVALLIE
Examiner Name	S. UNGAR
Art Unit	1801
Attorney Docket No.	031896-52000 (GIS288E)

## METHOD OF PAYMENT (check all that apply)

 Check  Credit Card  Money Order  Other  None
 Deposit Account:

Deposit Account Number

19-2380

Deposit Account Name

Nixon Peabody LLP

## The Commissioner is authorized to: (check all that apply)

- 
- Charge fee(s) indicated below
- 
- Credit any overpayments
- 
- 
- Charge any additional fee(s)
- 
- 
- Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001	790	2001 395 Utility filing fee	
1002	350	2002 175 Design filing fee	
1003	550	2003 275 Plant filing fee	
1004	790	2004 395 Reissue filing fee	
1005	160	2005 80 Provisional filing fee	

SUBTOTAL (1) (\$ 0)

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
	-20**	=	0
Independent Claims	.3**	=	0
Multiple Dependent		X	0

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202	18	2202 9 Claims in excess of 20
1201	88	2201 44 Independent claims in excess of 3
1203	300	2203 150 Multiple dependent claim, if not paid
1204	88	2204 44 ** Reissue independent claims over original patent
1205	18	2205 9 ** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ 0)

\*\* or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (cont'd)

## 3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	
1051	130	2051 65 Surcharge - late filing fee or cover sheet	
1052	50	2052 25 Surcharge - late provisional filing fee or cover sheet	
1053	130	1053 130 Non-English specification	
1812	2,520	1812 2,520 For filing a request for ex parte reexamination	
1804	920*	1804 920* Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805 1,840* Requesting publication of SIR after Examiner action	
1251	110	2251 55 Extension for reply within first month	
1252	430	2252 213 Extension for reply within second month	
1253	980	2253 490 Extension for reply within third month	
1254	1,530	2254 765 Extension for reply within fourth month	
1255	2,080	2255 1,040 Extension for reply within fifth month	
1401	340	2401 170 Notice of Appeal	340.00
1402	340	2402 170 Filing a brief in support of an appeal	
1403	340	2403 150 Request for oral hearing	
1451	1,510	1451 1,510 Petition to institute a public use proceeding	
1452	110	2452 55 Petition to revive - unavoidable	
1453	1,370	2453 685 Petition to revive - unintentional	
1501	1,370	2501 685 Utility issue fee (or reissue)	
1502	490	2502 243 Design issue fee	
1503	660	2503 330 Plant issue fee	
1460	130	1460 130 Petitions to the Commissioner	
1807	50	1807 50 Processing fee under 37 CFR 1.17(q)	
1806	180	1806 180 Submission of Information Disclosure Stmt	
8021	40	8021 40 Recording each patent assignment per property (times number of properties)	
1809	790	2809 395 Filing a submission after final rejection (37 CFR 1.129(e))	
1810	790	2810 395 For each additional invention to be examined (37 CFR 1.129(b))	
1801	790	2801 395 Request for Continued Examination (RCE)	
1802	900	1802 900 Request for expedited examination of a design application	
Other fee (specify)			

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (1) (\$ 340)

## CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(b)]

I hereby certify that this correspondence is being:

- deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450
- transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 305-9306

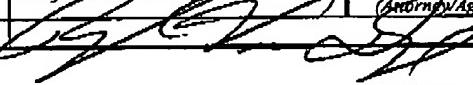
October 15, 2004

Date

Signature

Linda C. Hansen

Typed or printed name

SUBMITTED BY				
Name (Print/Type)	Raymond Van Dyke	Registration No. (Attorney/Agent)	34,746	Telephone (202) 585-8000
Signature			Date	October 15, 2004

SEND TO: Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

OCT. 15. 2004 3:30PM

866 751 0075

RECEIVED  
CENTRAL FAX CENTER NO. 1177 P. 4

OCT 15 2004  
Docket No. 031896-52001 (GI5288B)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Edward R. LAVALLIE *et al.*

Serial No. 08/949,904

Filed: October 15, 1997

For: HUMAN SDF-5 PROTEIN AND  
COMPOSITIONS

)

) Group Art Unit: 1801

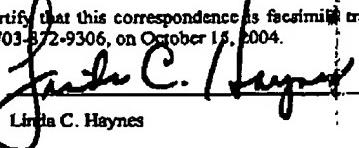
) Examiner: S. UNGAR

) Confirmation No.: N/A

) Date: October 15, 2004

CERTIFICATE OF MAILING OR TRANSMISSION  
[37 CFR 1.8(a)]

I hereby certify that this correspondence is facsimile transmitted to the  
USPTO at 703-372-9306, on October 15, 2004.

Signature: 

Name: Linda C. Haynes

NOTICE OF APPEAL

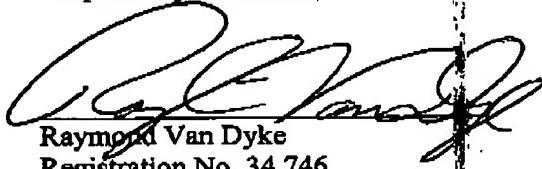
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants hereby appeal to the Board of Appeals from the decision dated July 16, 2004 of the Examiner rejecting claims 18, 19, 22, 23 and 33.

Applicants hereby authorize the charging of the fee of \$340.00 and any additional fees and crediting the overpayment to Deposit Account 19-2380, and for this purpose we enclose a duplicate copy of this Notice.

Respectfully submitted,



Raymond Van Dyke  
Registration No. 34,746

NIXON PEABODY LLP  
Suite 900, 401 9<sup>th</sup> Street, N.W.  
Washington, D.C. 20004-2128  
(202) 585-8000

OCT. 15. 2004 3:30PM

866 751 0075

RECEIVED  
CENTRAL FAX CENTER NO. 1177 P. 5

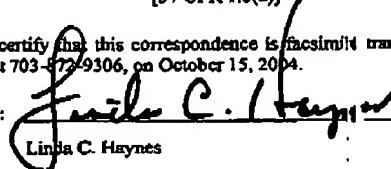
OCT 15 2004  
Docket No. 031896-52001 (GI5288B)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: )  
Edward R. LAVALLIE et al. ) Group Art Unit: 1801  
Serial No. 08/949,904 ) Examiner: S. UNGAR  
Filed: October 15, 1997 ) Confirmation No.: N/A  
For: HUMAN SDF-5 PROTEIN AND ) Date: October 15, 2004  
COMPOSITIONS

CERTIFICATE OF MAILING OR TRANSMISSION  
[37 CFR 1.8(a)]

I hereby certify that this correspondence is facsimile transmitted to the  
USPTO at 703-572-9306, on October 15, 2004.

Signature:   
Name: Linda C. Haynes

NOTICE OF APPEAL

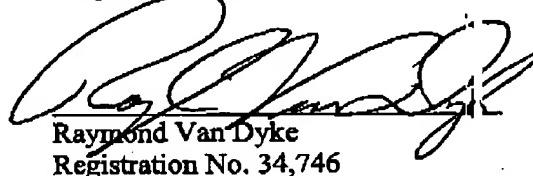
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants hereby appeal to the Board of Appeals from the decision dated July 16,  
2004 of the Examiner rejecting claims 18, 19, 22, 23 and 33.

Applicants hereby authorize the charging of the fee of \$340.00 and any additional fees  
and crediting the overpayment to Deposit Account 19-2380, and for this purpose we enclose  
a duplicate copy of this Notice.

Respectfully submitted,



Raymond Van Dyke  
Registration No. 34,746

NIXON PEABODY LLP  
Suite 900, 401 9<sup>th</sup> Street, N.W.  
Washington, D.C. 20004-2128  
(202) 585-8000

**This Page is Inserted by IFW Indexing and Scanning  
Operations and is not part of the Official Record**

**BEST AVAILABLE IMAGES**

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- BLACK BORDERS**
- IMAGE CUT OFF AT TOP, BOTTOM OR SIDES**
- FADED TEXT OR DRAWING**
- BLURRED OR ILLEGIBLE TEXT OR DRAWING**
- SKEWED/SLANTED IMAGES**
- COLOR OR BLACK AND WHITE PHOTOGRAPHS**
- GRAY SCALE DOCUMENTS**
- LINES OR MARKS ON ORIGINAL DOCUMENT**
- REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY**
- OTHER:** \_\_\_\_\_

**IMAGES ARE BEST AVAILABLE COPY.**

**As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.**